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Attorneys for Plaintiff Johnathan Talbot

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

Johnathan Talbot)
)
 Plaintiff,) Cause No. CV-23-66-BU-BMM
)
 v.) **MOTION FOR EXTENSION**
) **TO FILE RESPONSE BRIEFS**
)
)
)
 Manoah Ainuu, and The North)
 Face Apparel Corp., a Delaware)
 Company.)
)
 Defendants)

Plaintiff Talbot moves this Court for an extension of time to respond to Defendant's motions to dismiss. Defendant North Face filed its motion to dismiss on December 18, 2023. Doc. 25. Defendant Ainuu filed his motion to dismiss the following day. Doc. 27. Plaintiff Talbot's responses to the motions are due on January 8 and 9, 2024, respectively. The Court has set a hearing date for the motions for February 1, 2024. Doc. 30.

Plaintiff Talbot is requesting an extension because of counsel's activities related to the holiday season. In addition, attorney Ian Prior is scheduled to have surgery on January 2, 2024, and will need the remainder of that week to recuperate.

Plaintiff therefore requests leave to file his responses to both motions to dismiss on or before January 31, 2024, with Defendants to have until February 21, 2024, to file any reply briefs. He further moves to have the hearing in this matter vacated and rescheduled for a date after February 23, 2024, as the undersigned will be out of the country from February 18 until February 23, 2024.

Per Local Rule 7.1, Plaintiff's counsel has conferred with Defendants concerning this motion. They oppose it for reasons

explained in an email chain attached to this motion as Exhibit 1.¹

Plaintiff Talbot notes that he has previously consented to requests by Defendants for lengthy extensions. See Docs. 3 & 18.

DATED: December 26, 2023.

Respectfully Submitted,

/s/ Matthew G. Monforton

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¹ The Defendants' opposition to this request for a short extension is based on their refusal to extend the deadlines found in Washington's Anti-SLAPP statute. *See RCW § 4.105.040*. Defendants' refusal presumes a lot. First, this case is premised on Montana law. The tort complained about in Talbot's Complaint was committed in Montana, by a Montana resident, and directed to a Montana audience. Further, the Plaintiff was a Montana resident for three years and had only moved to Washington three months before the tort was committed. Talbot believes Montana law applies, not Washington's. Second, the Washington statute permits extensions of the hearing for good cause. *RCW § 4.105.040(1)(b)*. (stating "(1) The court shall hear a motion under *RCW 4.105.020* not later than sixty days after filing of the motion, unless the court orders a later hearing: (b) For other good cause.") Talbot does not believe that scheduling decisions should be dictated by a statutory framework that the Court has not found applies to this case, especially when good cause exists to grant an extension.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 26th day of December, 2023, that a copy of the foregoing will be delivered this day via the Court's ECF system to counsel for Defendant.

DATED: December 26, 2023

Respectfully submitted,

/s/ Matthew G. Monforton
Matthew G. Monforton
Attorney for Plaintiff